

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                       |   |                     |
|-----------------------|---|---------------------|
| -----X                |   |                     |
|                       | : |                     |
| NAMEL NORRIS,         | : |                     |
|                       | : |                     |
| Plaintiff,            | : |                     |
|                       | : | 21-cv-8000 (VSB)    |
| -against-             | : |                     |
|                       | : | <b><u>ORDER</u></b> |
| WAT'S ON YOUR PLATE 2 | : |                     |
| CORPORATION, et al.,  | : |                     |
|                       | : |                     |
| Defendants.           | : |                     |
|                       | : |                     |
| -----X                |   |                     |

VERNON S. BRODERICK, United States District Judge:

Plaintiff Namel Norris commenced this action against Defendants Wat's On Your Plate 2 Corporation and Paul O. Register Houses, L.P. on September 26, 2021. (Doc. 1 ("Complaint").) On November 12, 2021, Defendant Wat's On Your Plate 2 Corporation (the "Missing Defendant") failed to appear. On January 4, 2022, I entered an order instructing Plaintiff to seek default judgment against the Missing Defendant. (Doc. 9.) Plaintiff subsequently asked for three extensions to move for default, all of which I granted. (*See* Docs. 12, 17, 20.) In granting Plaintiff's third request for extension, I warned that "if [further effort to contact the Missing Defendant] fails, I will dismiss the relevant claims for failure to prosecute." (*See* Doc. 20.) On April 29, 2022, Plaintiff filed the fourth request for extension. (Doc. 21.) I denied the request, and ordered Plaintiff to file a letter to explain why I should not dismiss his claims against the Missing Defendant for failure to prosecute. (Doc. 22.)

Plaintiff filed his letter on May 10, 2022, but provides no good reason against dismissal. (*See* Doc. 23.) Plaintiff did not explain why it has taken him so long—nearly seven months—to


make contract with the Missing Defendant so that it can appear in this case.<sup>1</sup> Nor has he provided any specific date by which he expects to receive a response from the Missing Defendant.

On the other hand, Defendant Paul O. Register Houses, L.P. filed crossclaims against the Missing Defendant on February 22, 2022. (Doc. 16.) To this day, there is nothing on the docket indicating that the crossclaims have been served, as no summons for the crossclaims has been issued. Nor has Paul O. Register Houses, L.P. sought default judgement against the Missing Defendant, or taken any other action to prosecute its claims.

Accordingly, it is hereby ORDERED that by May 18, 2022, Paul O. Register Houses, L.P. shall indicate in a letter whether the crossclaims have been served; if not, it should put in its letter a request for the summons to be issued, and serve the Missing Defendant by May 31, 2022. If it fails to do so, I will dismiss all claims and crossclaims against the Missing Defendant pursuant to Rule 41(b). The parties will not be granted any extensions.

SO ORDERED.

Dated: May 13, 2022  
New York, New York

  
Vernon S. Broderick  
United States District Judge

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<sup>1</sup> The Missing Defendant purports to be a New York corporation. (See Complaint ¶ 5.)